

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

**ERIC JACKSON, ALARIC STONE, and  
MICHAEL MARCENELLE**, on behalf of  
themselves and all others similarly situated,

Plaintiffs,

v.

**ALEJANDRO N. MAYORKAS**, in his official  
capacity as Secretary of Homeland Security,  
**LLOYD J. AUSTIN, III**, in his  
official capacity as Secretary of Defense,  
**LINDA L. FAGAN**, in her official  
capacity as Commandant of the Coast Guard, and  
**BRIAN K. PENOYER**, in his official capacity  
as Assistant Commandant for Human  
Resources of the Coast Guard,

Defendants.

Case No. 4:22-cv-00825-P

**PLAINTIFFS' SECOND STATUS REPORT  
REGARDING AGREEMENTS WITH THE COAST GUARD**

Plaintiffs have conferred with Defendants (the “Coast Guard”) about threatened imminent adverse actions against service members including but not limited to imminent discharge dates and imminent dates of transfer to the Inactive Status List (“ISL”;<sup>1</sup> “no-pay, no-points status”). On September 30, 2022, Plaintiffs submitted a status update (ECF No. 25), summarizing the Coast Guard’s resulting agreements to postpone adverse actions for certain service members until December 1, 2022 or pending resolution of Plaintiffs’ motions for class-wide relief in this case (ECF No. 4). This is a second status update, summarizing some of the Coast Guard’s

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<sup>1</sup> Plaintiffs’ first status update (ECF No. 25) mistakenly referred to the ISL as “Inactive Service List” rather than “Inactive Status List.”

additional agreements resulting from Plaintiffs' conferral with Defendants, since September 30 (when Plaintiffs filed their first status update) to the present.<sup>2</sup>

- The Coast Guard had given four specific putative class members imminent discharge dates of, respectively, October 21, 2022, November 3, 2022, November 4, 2022, and November 15, 2022. On October 20, 2022, the Coast Guard agreed to defer each of these four putative class members' discharge dates to December 1, 2022. These putative class members will or may soon begin out-processing activities, if they have not started already, including selling unused leave, arranging final paychecks, terminating existing housing arrangements, trying to secure new housing, returning issued equipment, attending final medical appointments, closing security clearances, collecting medical records, surrendering access badges, being removed from mission, and securing start dates with civilian employers, as applicable.
- The Coast Guard had given one specific putative class member an imminent discharge date of October 13, 2022. On October 4, 2022, the Coast Guard agreed to defer this putative class member's discharge date to December 1, 2022. While the putative class member continued to maintain that he should not have been discharged at all, on October 5 he decided to accept the October 13 involuntary discharge date, for personal reasons.

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<sup>2</sup> The Coast Guard has still not agreed to hold off on all imminent adverse actions against all putative class members. Plaintiffs reserve the right to seek additional relief from the Court, beyond what they seek in their pending motions for class-wide relief including a class-wide preliminary injunction (ECF No. 4), if and as appropriate and necessary.

Dated: November 4, 2022

Respectfully submitted,

/s/ Adam S. Hochschild

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